

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 JERRY COBB

1:08-cv-01936 GSA (HC)

12 Petitioner,

13 vs.

ORDER OF TRANSFER

14 KATHY MENDOZA-POWERS

15 Respondent.  
16 \_\_\_\_\_ /

17 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28  
18 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

19 The federal venue statute requires that a civil action, other than one based on diversity  
20 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants  
21 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions  
22 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is  
23 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which  
24 the action may otherwise be brought.” 28 U.S.C. § 1391(b).

25 In this case, the petitioner is challenging a prison disciplinary action. Petitioner is incarcerated  
26 at Ironwood State Prison in Blythe, California, which is in the Central District of California. Therefore,  
27 the petition should have been filed in the United States District Court for the Central District of  
28 California. In the interest of justice, a federal court may transfer a case filed in the wrong district to the

1 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
3 District Court for the Central District of California.

4 IT IS SO ORDERED.

5 **Dated: December 22, 2008**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE